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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF WASHINGTON**
9 **AT SPOKANE**

10 STATE OF WASHINGTON,

11 Plaintiff,

12 v.

13 BETSY DeVOS, in her official
14 capacity as Secretary of the United
15 States Department of Education, and
16 the UNITED STATES
DEPARTMENT OF EDUCATION, a
federal agency,

Defendants.

NO. 2:20-cv-00182-TOR

ORDER GRANTING
PLAINTIFF STATE OF
WASHINGTON'S MOTION
FOR PARTIAL SUMMARY
JUDGMENT

[PROPOSED]

NOTED FOR: JULY 27, 2020
With Telephonic Oral Argument:
11:00 a.m.

17 This matter came before the Court on Plaintiff State of Washington's
18 Motion for Partial Summary Judgment. The Court has considered all of the
19 following:

20 1. Plaintiff State of Washington's Motion for Partial Summary
21 Judgment (ECF No. _____) with supporting declarations and exhibits;

22 2. Defendants' Response to Plaintiff State of Washington's Motion for

1 Partial Summary Judgment (ECF No. ____);

2 3. Plaintiff State of Washington's Reply in Support of Motion for
3 Partial Summary Judgment (ECF No. ____); and

4 4. The entire record in the above-captioned matter.

5 Being fully apprised of the matter, now, therefore, it is hereby

6 ORDERED, ADJUDGED, AND DECREED that Plaintiff State of
7 Washington's Motion for Partial Summary Judgment is hereby GRANTED. The
8 Department does not have the authority to impose any eligibility restrictions on
9 CARES Act HEERF Student Emergency Grants. Further, the CARES Act
10 HEERF Student Emergency Grants are not "federal public benefits" under
11 8 U.S.C. § 1611(a). The provisions of 8 U.S.C. §§ 1611 et seq. do not apply to
12 CARES Act HEERF funds.

13 It is SO ORDERED.

14 ISSUED this _____ day of _____ 2020.

15
16 _____
THE HONORABLE THOMAS O. RICE

1 Presented by:

2 ROBERT W. FERGUSON
3 Attorney General of Washington

4 /s/ Spencer W. Coates

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